IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 155 OF 2006

VILLAGE PANCHAYAT OF CORTALIM-QUELOSSIM REP.BY ITS SARPANCH, MORMUGAO GOA. ....Petitioner

Versus

SMT. MARIANINHA BARRETO AND ANR., ...Respondents

Mr.V.A. Lawande, Advocate for the Petitioner.
Mr. Shivan Dessai, Advocate for R.1.
Ms. W. Coutinho, Ga For R. 2

Coram:- SMT. RANJANA DESAI, J.

Date:- 13th July, 2006

P.C.:

Heard the learned counsel for the parties.

The impugned judgment dated 16.02.2006 passed by the Additional Director of Panchayats indicates that the case was heard ex-parte. The Addl. Director has observed that the Panchayat did not reply to the appeal memo. He has further observed that it was represented in 8 hearings out of the 11 hearings in the case and the case was finally heard ex-parte. In the circumstances, therefore, in my opinion interest of justice would be served if the following order is passed :-

The impugned order dated 16.02.06 is quashed and set aside. The matter is remanded to the Addl. Director of Panchayats. The Addl. Director of Panchayats is directed to re-hear the matter after giving opportunity to both sides. He shall complete the entire exercise within a period of six months from the date of receipt of this order by him. The petitioner shall pay costs quantified at Rs.1000/- to respondent 1. The payment of costs is condition precedent to the setting aside of the

impugned order. Costs may be paid to respondent 1 within a period of three weeks from today. If there is any scheme of rehabilitation then the authorities concerned may consider the case of the first respondent for rehabilitation in accordance with law. It is clarified however that this Court has not expressed any opinion as to whether or not the first respondent should be rehabilitated. Needless to say that till such time as the Director of Panchayats finally disposes of the case, status quo should be maintained.

Petition disposed of in the aforestated terms.

SMT. RANJANA DESAI, J.

sl.